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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,086	09/09/2003	Shiro Majima	09868/000M893-USO	1394
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EXAMINER				
WILLIAMS, ROSS A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,086

Applicant(s)

MAJIMA ET AL.

Examiner

ROSS A. WILLIAMS

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/25/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-23, 31-39, 49, 50 and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) 9-14, 41-48 and 51-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-23, 31-39, 49, 50 and 54-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/25/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/10 has been entered.

Declaration under 37 C.F.R § 1.131

The declaration filed on 1/25/10 under 37 CFR 1.131 has been considered but is ineffective to overcome the Gomez (US 7,144,322) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Gomez (US 7,144,322) reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The relied upon evidence of conception fails to provide a description or adequately disclose support for the claimed limitation of "a measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said

regions ***while the reel display module is in the changing display state showing the spinning of the reels***". The relied upon evidence as best can be understood, merely provides support for the measuring (i.e. counting) of a special symbol at a certain point of time upon the reels, such at the end of a reels spin wherein the reels are displayed in a static state. The evidence showing proof of conception does not provide support for the limitations pertaining to the counting of the special symbols ***while*** the reels are spinning or are in a changing reel state.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 15-23, 31-39, 49, 50 and 54-56 are rejected under 35

U.S.C. 102(e) as being anticipated by Gomez (US 7,144,322).

As per claim 1, Gomez discloses:

a reel display module having plurality of reels and providing a changing display state of a plurality of types of symbols in a plurality of regions, the changing display state showing a spinning of the plurality of reels, and a static

display state of said changingly displayed symbols in said regions, at least one of said symbols being a special symbol; (Gomez teaches a slot machine that implements a symbol drop down game wherein the video display shows a typical 5x5 reel type game wherein the reels (i.e. columns), constantly change, (i.e. spin) and are updated with new symbols to provide a changing display state. The display also provides a static display state that is provided before the reels are evaluated for matches) (7:24 - 37)

a measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 - 48);

a game points determining module determining game points to be awarded to a player based on said measured count; (10:37 - 48) and

count display modules, each of which correspondingly display said count for one of said plurality of said reels, said count being measured by said measuring module in association with each of said plurality of regions (10:37 - 48, Fig 5);.

As per claim 2, further comprising a selection module selecting at least one of said symbols to be changed to said special symbol (10:49 - 65).

As per claim 3, wherein said game points determining module calculates said game points to be awarded to said player using said measured count as one variable (10:31 – 48).

As per claim 4, wherein said one variable is a sum of a plurality of said measured counts, each of said measured counts being a number of times said special symbol is displayed in one of said regions (10:31 – 48).

As per claim 5, wherein said game points determining module determines said game points to be awarded to said player by using said measured count to look up a table set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 6, a special region in said reel display module; and said count being a number of times said special symbol is displayed in said special region in at least said changing display state (10:37 – 48).

As per claim 7, wherein said special region is a payline in said reel display module (the 5x5 matrix has pay lines that are determined by where the matching symbols are located, either vertically or horizontally).

As per claim 15, further comprising a special region determination module determining, through random selection, a position for said special region in said reel display module; wherein said randomly selected special region is displayed in said reel display module (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 16, wherein said special region determining module determines said special region through random selection when said special symbol is displayed in said changing display state (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 17,

a reel display module having plurality of reels and providing a changing display state of a plurality of types of symbols in a plurality of regions, the changing display state showing a spinning of the plurality of reels, and a static display state of said changingly displayed symbols in said regions, at least one of said symbols being a special symbol; (Gomez teaches a slot machine that implements a symbol drop down game wherein the video display shows a typical 5x5 reel type game wherein the reels (i.e. columns), constantly change, (i.e. spin) and are updated with new symbols to provide a changing display state. The display also provides a static display state that is provided before the reels are evaluated for matches) (7:24 - 37)

a storage module storing a count that is a number of times said special symbol of each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels; (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in

the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48);

a game points determining module determining game points to be awarded to a player based on said stored count; (10:37 – 48) and

count display modules, each of which correspondingly displaying said count for each of said reels, said count being stored by said storage module in association with each of said plurality of regions. (10:37 – 48, Fig 5).

As per claim 18, further comprising a selection module selecting at least one of said symbols to be changed to said special symbol (10:49 – 65).

As per claim 19, wherein said game points determining module calculates said game points to be awarded to said player using said stored count as one variable (10:31 – 48).

As per claim 20, wherein said one variable is a sum of a plurality of said stored counts, each of said stored counts being a number of times said special symbol is displayed in one of said regions (10:31 – 48).

As per claim 21, wherein said game points determining module determines said game points to be awarded to said player by using said stored count to look up a table set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 22, further comprising: a special region in said reel display module; and said count being a number of times said special symbol is displayed in said special region in at least said changing display state (10:31 – 48).

As per claim 23, wherein said special region is a payline in said reel display module (the 5x5 matrix has pay lines that are determined by where the matching symbols are located, either vertically or horizontally).

As per claim 31, further comprising a special region determination module determining, through random selection, a position for said special region in said reel display module; wherein said randomly selected special region is displayed in said reel display module (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 32, wherein said special region determining module determines said special region through random selection when said special symbol is displayed in said changing display state (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 33,

providing a changing display state of a plurality of types of symbols in a plurality of regions of a reel display module, the changing display state showing a spinning of a plurality of reels, and a static display state of said changingly displayed symbols in said regions of said reel display module, at least one of said

symbols being a special symbol; (Gomez teaches a slot machine that implements a symbol drop down game wherein the video display shows a typical 5x5 reel type game wherein the reels (i.e. columns), constantly change, (i.e. spin) and are updated with new symbols to provide a changing display state. The display also provides a static display state that is provided before the reels are evaluated for matches) (7:24 - 37)

storing a count that is a number of times said special symbol of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels; (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 - 48);

determining game points to be awarded to a player based on said stored count; (10:37 - 48) and

displaying correspondingly to each of reels of said reel display module said stored count in association with each of said plurality of regions (10:37 - 48, Fig 5).

As per claim 34, further comprising the step of selecting at least one of said symbols to be changed to said special symbol (10:49 - 65).

As per claim 35, further comprising the step of calculating said game points to be awarded to said player using said stored count as one variable (10:31 – 48).

As per claim 36, wherein said one variable is a sum of a plurality of said stored counts, each of said stored counts being a number of times said special symbol is displayed in one of said regions (10:31 – 48).

As per claim 37, wherein said game points determining step comprises the step of looking up a table set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 38, wherein said count is a number of times said special symbol is displayed in a special region in said reel display module in at least said changing display (10:31 – 48).

As per claim 39, wherein said special region is a payline in said reel display module (the 5x5 matrix has pay lines that are determined by where the matching symbols are located, either vertically or horizontally).

As per claim 49, wherein said game points determining module calculates said game points to be awarded to said player using said stored count as one variable (10:31 – 48).

As per claim 50, wherein said game points determining module determines said game points to be awarded to said player by using said stored count to look up a table

set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 54, further comprising: a total display module for displaying a total of the counts displayed by the count display modules (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48).

As per claim 55, wherein said game points determining step comprises the steps of: determining a total count as the sum of stored counts for each reel of said reel display module; and multiplying the total count by a total bet (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48);

As per claim 56, wherein: counting for said count begins after said special region is determined (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48).

Response to Arguments

Applicant's arguments filed 4/28/09 have been fully considered but they are not persuasive.

The Applicant argues that Gomez does not teach *"measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels"* (emphasis added). As described in the Specification, this count represents, for example, the number of times the special symbol passes the payline while the reels are spinning. See Specification, p. 16, lines 1-7. Also claimed in claims 6, 7, 22, 23, 38, and 39. It is respectfully submitted that Gomez does not disclose at least this feature of the presently claimed invention."

The Examiner respectfully disagrees and states that as claimed, Gomez does teach a changing display that shows a spinning of the reels and a counting of the symbols while the display is in the changing state (i.e. changing display when symbols randomly drop down from above and are evaluated and then removed from the display screen (i.e. changing/spinning again) and are counted by means of a multiplier count mechanism). Thus, as can be seen by the above interpretation, Gomez does indeed anticipate the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSS A. WILLIAMS whose telephone number is 571-272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ronald Laneau can be reached on 571-272-6784. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. W./
Examiner, Art Unit 3714

/Ronald Laneau/
Primary Examiner, Art Unit 3714

